FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A. No.5569 of 2005 In F.A.No.1808 of 2005
WITH
C.A.No.5570 of 2005 In F.A.No.1809 of 2005
WITH
C.A.No.5571 of 2005 In F.A.No.1810 of 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.V.A.Thorat with Ms.Anita Bhaktwani for applicants.

Mr.K.K.Tated, AGP for State.

CORAM : H.L GOKHALE &
SMT.R.S.DALVI, JJ.
DATED : 2nd March 2006

P.C. :

1. Heard Mr.Thorat, Senior Advocate with Ms.Bhaktwani in support of the above Applications. Mr.Tated, AGP appears for the State.

2. All these Applications are filed for seeking modification in the order passed by this Division Bench on 26th September 2005 and/or for modification of the condition for release of the amount of compensation.

3. It is submitted in these Applications that although 50% of the amounts awarded in the Reference Court were directed to be released on solvent sureties, the applicants are not in a position to get such sureties since the amounts involved are very large. Our attention is drawn to the orders passed in some other matters, including by this Bench wherein half the amount was directed to be released on Personal Bonds.

4. Mr.Tated, learned AGP appearing for the State, points out that in all these matters the State has raised a question of limitation and if the State succeeds thereon, the entire Award would get vitiated. Even so, we note the difficulties pointed out by Mr.Thorat and in the facts and circumstances of this case, we

direct that the awarded amount be invested by the Reference Court in a Nationalised Bank for a period of 37 months to begin with and the interest thereon be paid to the applicants every six months. The investment will be renewed by 13 months at a time and will continue to be renewed until further orders are received from this Court.

5. We make it clear that in the event the applicants are in a position to comply with the conditions imposed earlier, namely, to give the solvent sureties, they will be at liberty to withdraw the 50% amount by giving such surety as directed earlier.

6. All the Civil Applications are disposed of with the above order.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)